

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NOVOTECH (AUSTRALIA) PTY
LIMITED, an Australian
proprietary limited company,

Plaintiff,

v.

SURECLINICAL INC., a Nevada
corporation

Defendant.

No. 2:22-CV-01259-JAM-AC

**ORDER GRANTING PLAINTIFF
NOVOTECH'S MOTION TO AMEND THE
COURT'S ORDER GRANTING DEFENDANT
SURECLINICAL'S PRELIMINARY
INJUNCTION AT ECF No. 30**

The matter before the Court is Novotech (Australia) Pty Limited's ("Novotech") motion to clarify and/or amend the Court's order granting SureClinical Inc.'s ("SureClinical") motion for preliminary injunction. See Mot. to Clarify and/or Amend the Court's Order, ECF No. 40, Order, ECF No. 30. The Court does not require SureClinical to file a response brief to the instant motion. In response to the pleading, IT IS HEREBY ORDERED that:

1. The stay ordered by the Court in its December 5, 2022 order granting SureClinical's preliminary injunction is extended by thirty days. ECF No. 30. SureClinical may seek further

1 extensions of the stay if the need arises.

2 2. The parties are not required to enter into a non-
3 disclosure agreement as a pre-condition to Novotech's production
4 of documents to SureClinical's auditor, Miller Kaplan. Novotech
5 may not use the lack of a non-disclosure agreement as an excuse
6 to not produce the documents required by this Order.

7 3. Novotech is required to produce the documents
8 identified in the July 14, 2022 letter from Miller Kaplan to
9 Novotech, specifically items one through eleven, within thirty
10 days of this amended order. Novotech's production should
11 include, but is not limited to (1) the contracts between Novotech
12 and the third-party users to whom Novotech granted access to
13 SureClinical's platform and (2) the associated financial records
14 related to the third-party usage of SureClinical's platform.

15 4. Novotech is required to fully cooperate with Miller
16 Kaplan's follow-up requests for information, if any.

17 5. If Novotech cannot produce particular documents
18 requested by Miller Kaplan by the end of the stay, it must
19 provide a list of the documents at issue to SureClinical along
20 with an explanation as to why the documents cannot be produced.
21 If SureClinical believes that the lack of production is not in
22 good faith, SureClinical is permitted to file a motion to compel
23 production to the magistrate judge. The Court notes that
24 Novotech has already had forty-five days to produce documents to
25 Miller Kaplan.

26 6. The hearing calendared for February 28, 2023 is
27 vacated.

28 7. SureClinical's Motion for Order to Show Cause at ECF

No. 33 is DENIED as moot.

IT IS SO ORDERED.

Dated: January 19, 2023



JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE